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FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MINORITY TELEVISION PROJECT, INC.)
)
Plaintiff,)
)
v.)
)
FEDERAL COMMUNICATIONS)
COMMISSION and UNITED STATES OF)
AMERICA,)
)
Defendants.)

Case No. C 06-2699 EDL

**STIPULATION AND [PROPOSED] ORDER
TO MODIFY CASE MANAGEMENT AND
PRETRIAL ORDER FOR COURT TRIAL**

STIPULATION AND [PROPOSED] ORDER TO MODIFY CASE MANAGEMENT AND PRETRIAL ORDER
FOR COURT TRIAL
Case No. C-06-2699 EDL

WHEREAS, the defendants, the United States of America and the Federal Communications Commission (collectively "Defendants") request a modification to the Case Management and Pretrial Order for Court Trial ("Pretrial Order") issued by this Court on February 21, 2008, due to hospitalization of lead attorney, Melissa Brown Assistant United States Attorney;

WHEREAS, Ms. Brown was hospitalized, underwent two emergency surgeries, and consequently was out of the office and not able to work full-time from the period of August 7, 2008 through September 2, 2008;

WHEREAS, Ms. Brown has been advised by her physician that her recovery could last for several months;

WHEREAS, as a result of Ms. Brown's absence from work due to illness and recovery, the parties, *i.e.* plaintiff Minority Television Project, Inc. ("Plaintiff") and the Defendants have agreed to the proposed modification to the Pretrial Order:

Discovery

- Non-expert fact discovery shall close on December 1, 2008;
- Initial Expert Disclosures shall be due on January 12, 2009;
- Rebuttal Expert Disclosure shall be due on January 26, 2009;
- Expert Discovery shall be completed no later than February 20, 2009;

Case Management

- Further Case Management Conference February 11, 2008.

Dispositive Motions

- Defendants' Opening Brief shall be due on March 20, 2009;
- Plaintiff's Opening and/or cross motion shall be due on April 10, 2009;
- Defendants' Reply Brief shall be due on April 24, 2009;
- Plaintiff's Reply Brief shall be due on May 8, 2009;
- Dispositive Motion hearing shall be held on June 2, 2009;

Trial

- Pretrial Conference shall be held on August 4, 2009;

- Trial shall begin on August 17, 2009

WHEREAS the parties respectfully request that the Court adopt the proposed aforementioned modification to the Pretrial Order.

DATED: September 10, 2008

Respectfully submitted,

ANDREW A. AUGUST
JOHN L. FITZGERALD
WALTER E. DIERCKS

/s Walter Diercks

WALTER E. DIERCKS
Attorneys for Plaintiff Minority Television Project

DATED: September 10, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

/s Melissa K. Brown

MELISSA K. BROWN
Assistant United States Attorney
Attorneys for the Defedants

[PROPOSED] ORDER

The Case Management and Pretrial Order for Court Trial ("Pretrial Order") issued by this Court on February 21, 2008 shall be modified as follows:

Discovery

- Non-expert fact discovery shall close on December 1, 2008;
- Initial Expert Disclosures shall be due on January 12, 2009;
- Rebuttal Expert Disclosure shall be due on January 26, 2009;
- Expert Discovery shall be completed no later than February 20, 2009;

Case Management

- Further Case Management Conference February 11, 2008.

Dispositive Motions

- Defendants' Opening Brief shall be due on March 20, 2009;
- Plaintiff's Opening and/or cross motion shall be due on April 10, 2009;
- Defendants' Reply Brief shall be due on April 24, 2009;
- Plaintiff's Reply Brief shall be due on May 8, 2009;
- Dispositive Motion hearing shall be held on June 2, 2009;

Trial

- Pretrial Conference shall be held on August 4, 2009;
- Trial shall begin on August 17, 2009

IT IS SO ORDERED.

Dated: September 11, 2008

